REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

Claim Rejections – 35 USC § 112

The Office Action rejected claims 6-8 under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, namely using a telephone number to determine location.

Claim 6 is amended to include the limitation and the rejection is traversed.

The Office Action rejected claims 13, 14, 26 and 27 under 35 U.S.C. 112, second paragraph, as being indefinite.

The rejection of claims 13, 14, 26 and 27 is not understood. Claim 13 recites a step of receiving information uniquely identifying a content delivery device associated with the party, generating an encryption key using the information uniquely identifying the content delivery device, encrypting the content using the encryption key, and forwarding the encrypted content to the content delivery device associated with the party through the communications network. Consequently, all of the disclosed steps are present in the claim. The rejection of claims 13 and 14 is thereby traversed.

Respecting claims 26 and 27, those claims claim respective program scripts for permitting a content delivery device associated with the party to obtain information uniquely identifying the content delivery device, and for generating an encryption key using the information uniquely identifying the content delivery device. It is clear that the program script for probing the content delivery device must execute, on the content delivery device while the device is being probed. It is equally clear that the program script for generating an encryption key using the information uniquely identifying the content delivery device must at least deliver the encryption key to the content provider, because the key is used to encrypt the content. It is further clear that the algorithm for decrypting the encrypted content delivered through the communications network to the content delivery device must execute on the user device. This is all in accord with the disclosure and the rejection of claims 26 and 27 is traversed.

Claim Rejections – 35 USC § 102

The Office Action rejected claims 1-4, 9, 10 and 12 under 35 U.S.C. 102(e) as being clearly anticipated by Kay. Applicants respectfully disagree.

Kay teaches a cryptographic encoded ticket issuing and collection system for remote purchasers. An operator of a remote user station purchases a ticket to an event using standard protocols of an information network. An electronic ticket is transmitted to the purchaser and includes a cypher code created using a public key cryptography system. The purchaser displays the electronic ticket for verification purposes and proceeds to print out the ticket at the station. The ticket is presented to a ticket collector and the ticket is scanned by a portable terminal for decoding the cypher code using a public key reloaded into the terminal by producers of the event. The decoded cypher code is compared against the event description stored in the portable terminal and if equal, the ticket is accepted for admission to the event. The ticket information is stored in the portable terminal and subsequently uploaded to the information system to check for duplicate tickets.

It is therefore clear that the purchaser does not return a validation message containing the transaction indicia. The printed ticket is passed to a hand-held ticket reader 21 which scans the ticket for a bar code and compares the bar code against a stored encryption key. If the keys match, the purchaser is admitted to the event. The transaction indicia (printed on the ticket) is not returned by the purchaser through another communications network to control distribution of content as claimed in claim 1. The rejection of claims 1-4, 9, 10 and 12 is thereby traversed.

Nonetheless, in order to distinguish over the teachings of Falk et al. in United States Patent No. 5,668,876, which is submitted herewith by way of an Information Disclosure Statement, claim 1 is amended, claims 4 and 9 are cancelled and claims 10 and 12 are also amended. Falk et al. teach authorization of a user to use a service provided by a modified pager which calculates a unique response code to a transmitted challenge code based on the challenge code, an input personal identification number, and an internal key. The response code is input to a simple terminal, such as a telephone and if the unique response code is accepted, the user may access the desired service, such as cashless

transactions or long distance phone service. Claim 1 as amended clearly distinguishes over the teachings of both Falk et al. and Kay.

Claim Rejections – 35 USC § 103

The Office Action rejected claims 5-8 and 15-25 under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Ogram.

Claims 5 and 8 are rejected on the grounds that although Kay does not teach authenticating "a customer's use of said card", Ogram teaches authenticating a right of a party to receive (e.g. to admit, permit, enter) the content by authenticating a customer's use of a credit card. "Use of a card" does not appear in any of claims 5-8 and 15-25. Claim 5 claims a method as claimed in claim 1 wherein the step of formulating a transaction indicia comprises authenticating a right of the party to receive the content.

As explained above, Kay fails to teach or suggest the invention claimed in claim 1. Ogram teaches retrieving authorization data from a credit card server for a purchase by a customer. The Office Action takes the position that holders of a credit card are members of an "set" which is equivalent to identifying a party located within a predetermined domain. Even if this were true, which Applicants deny, claim 6 is amended to claim using a telephone number to determine whether the party is located within a predetermined domain. No combination of Kay and Ogram teaches or suggests this limitation and the rejection of claims 5-6 is traversed.

Respecting claims 15-25, the rejection is not understood. Nonetheless, claims 15-22 have been amended to distinguish over Falk et al. submitted herewith by Information Disclosure Statement, as explained above. Claims 23 and 24 are cancelled and it is respectfully submitted that Kay and Ogram teach nothing that would lead a person of ordinary skill in the art to the invention claimed in amended claims 15-22 and 25. The rejection of those claims is thereby traversed.

The Office Action rejected claim 11 under 35 U.S.C. 103(a) as being unpatentable over Kay. Claim 11 is amended to distinguish over Falk et al. Kay teaches nothing of determining the address of a party on a telephone network using information

identifying the party to query a database that stores address information associated with the device on the telephone network. The rejection of claim 11 is thereby traversed.

The Office Action rejected claims 13, 14, 26 and 27 under 35 U.S.C. 103(a) as being unpatentable over Kay, Billings and Cane et al.

In view of the amendments made to claims 1 and 15 as described above in detail, the invention claimed in claims 13, 14, 26 and 27 is not obvious in view of any combination of teachings of Kay, Billings and Cane et al. The rejection of those claims is thereby likewise traversed.

New claims 28-36 are added to this application. New claims 28-36 claim subject matter not taught or suggested by any reference known in the prior art. It is respectfully submitted that new claims 28-36 are allowable over Kay, Ogram, Billings, Cane et al. and Falk et al.

In view of the amendments made to the claims of this application and for reasons set forth above in detail, all claims that remain pending in this application are considered to be in a condition for immediate allowance.

Favourable reconsideration and early issuance of a Notice of Allowance are requested.

Respectfully submitted,

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